

MUNICIPAL WATER ORDINANCE  
TOWNSHIP OF OSCEOLA  
HOUGHTON COUNTY, MICHIGAN  
Ordinance Number 46

An ordinance to provide for the operation and maintenance of all water supply facilities of the Township of Osceola on a public utility basis under the provisions of Act 94, Public Acts of Michigan, 1933, as amended; to establish charges and rates for water connection and service in the Township of Osceola; to provide for water emergencies; to provide penalties for violation of the Ordinance regulations.

THE TOWNSHIP OF OSCEOLA ORDAINS:

SECTION I  
TITLE

This ordinance shall be known and may be cited as the "Osceola Township Municipal Water Ordinance".

SECTION II  
OPERATION ON PUBLIC UTILITY RATE BASIS

It is hereby determined to be desirable and necessary for the public health, safety and welfare of the Township of Osceola that all water supply facilities of the Township be operated on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

SECTION III  
DEFINITIONS

- A. Accessible to the Water Supply System – Any premises that contains a water main line or water lateral connected to a water main line or has a boundary that adjoins or abuts a public right of way or easement that contains a water main line and/or water lateral connected to the water main line.
- B. Active-Shutoff – The designated status of a customer's account with the Township when water service to the premises has been turned off but the premises continues to accrue the Water Availability/Debt Retirement Fee.
- C. Charges - The terms "charges for water services" or "charges" shall be deemed to mean the amount charged to each premises in the Township connected to the system for the purpose of receiving a supply of water, including, but not limited to water availability charge, water consumption charge, customer change fees, etc.
- D. Consumption Charge - The rate to be charged for actual water used by a customer (rate per thousand gallons).

E. Cross Connection – a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants can enter the public water supply system.

F. Customer - The word "customer" shall mean the property owner of the premises receiving water service and shall also include the non-owner tenant or occupant.

G. Dwelling Unit - The term "dwelling unit" shall mean a structure containing one or more rooms, with bathroom and principal kitchen facilities, designed as self-contained unit for occupancy.

H. Inactive-Paid - The designated status of a customer's account with the Township when the customer's account has been paid in full and no additional fees will be added to the customer's account.

I. Main and Water Main – The term "main" or "water main" shall mean those pipes, other than service pipes and supply pipes, used for conveying or distributing water.

J. New Service Connection Charge: The term "new service connection charge" shall mean a charge for the installation of the water main connection from the public water main to the property line, including all equipment necessary for the metered transmission of water.

K. Person -The term "person" shall mean an individual, firm, corporation, partnership, limited liability company or any other legal entity.

L. Premises - The term "premises" shall mean a parcel of land.

M. Service pipe – The term "service pipe" shall mean a pipe extending from the property line into premises supplied with water.

N. Supply Pipe – The term "supply pipe" means a pipe tapped into a water main and including the curb cock or valve at the property line.

O. System - The word "system" shall mean the complete water supply facilities of the Township, including water lines, pumps, storage or treatment facilities, and all other facilities used or useful in the supply, transmission and distribution of potable water.

P. Township - The term "Township" shall mean the Township of Osceola, County of Houghton, State of Michigan.

Q. Township Board - The term "Township Board" shall mean the Osceola Township Board, the legislative and governing body thereof.

R. Township Ordinance Enforcement Officer – The person or persons made responsible by Township Board resolution for investigation and enforcement of Osceola Township ordinances.

S. Water Availability/Debt Retirement Charge – This recurrent charge shall mean a charge which recovers a portion of the capital cost of the infrastructure which facilitates the delivery of water to each customer, including the water supply, transmission and distribution system, as well as operation and maintenance costs. These fixed costs are allocated to each customer connected to the water distribution system, whether or not they choose to use any water.

T. Water Service - The term "water service" shall mean the providing of a supply of water to premises connected to the system.

#### SECTION IV SUPERVISION AND CONTROL OF SYSTEM

##### DESIGNATION OF AUTHORITY

The Township Water Supply System will be constructed, operated, maintained, altered, repaired and managed by the Township Board, subject to all the provisions, regulations and conditions set forth in this Ordinance. The Township will be responsible for the operation and maintenance of water mains and water services up to the property line of the customer. Repairs and maintenance needed on private property are the responsibility of the customer. The customer shall be responsible for water loss through a leak on private property.

Collection and disposition of revenues of the Township Water System shall be under the immediate supervision and control of the Township Board, and the Township Board may employ or create any such Board, person, or person it deems advisable to carry on the efficient management and operation of the water system. The Township Board may make such rules, orders, and regulations by resolution to assure the efficient management and operation of the system.

##### LIABILITY OF TOWNSHIP

All parties using water from the Township Water Supply System for any purpose whatsoever will do so at their own risk; and the Township or its employees will not be liable for any damages occasioned by or arising out of the stoppage of such water, nor for any insufficient supply of water, nor for accidents or any damage of any kind caused by or arising out of the use or failure of such water. Each customer shall keep his own service pipe and other apparatus in good repair and protected from frost at the customer's own expense and shall prevent all unnecessary waste of water and no claim shall be made against the Township by reason of the freezing or breaking of any service pipes or other apparatus, and the customer shall provide a safe place for all meters,

which place shall reasonably protect said meters from damage, jarring, freezing, excessive heat or other outside interference of every kind whatsoever.

### SEPARATE WATER SUPPLY SOURCES

Whenever any premises is supplied with water from two or more sources, one of which source is the Township Water Supply System, the Township Water Supply System must be entirely separate and no physical connection with any other water supply shall be permitted. It shall be the duty of the Township to cause inspections to be made of all properties served by the Township Water Supply System where cross connections with the Township Water Supply System is deemed possible. The frequency of the inspections shall be as established by the Township Board. Representatives of the Township shall have the right to enter a premises at any reasonable time for the purpose of inspecting the piping system for cross connections. On request by the Township, an owner, lessee or occupant of any premises served by the Township Water Supply System shall furnish to the Township any pertinent information regarding the piping system on the premises. The refusal to provide such information or access to the premises shall be deemed evidence of the presence of cross connections.

Violation of this section will result in immediate turn off of the Township Water Service and any person violating this ordinance will be deemed to have committed a municipal civil infraction and shall be subject to punishment as provided in the Township's municipal civil infraction ordinance, Osceola Township Ordinance No. 36. Water service to the premises shall not be restored until the cross connection has been eliminated.

### APPLICATION FOR WATER CONNECTION

Any person desiring water service, in an area of the Township which has public water service mains, will be required to fill out a water service agreement form prior to receiving service which contains, but is not limited to: the name and address of the applicant; the size of the water service connection pipes desired; a statement describing the proposed usage; and the distance, if known, that the property is located from any existing public water main.

Extension of, or changes to water mains, may be initiated by the Township Board or by petition from property owners. Petitions for the construction of new mains shall be addressed to the Township Board or its designee upon forms provided for that purpose. The Township Board shall not be required or obligated to extend any water mains within the Township. The Township Board may prescribe the terms and conditions upon which a petition will be granted and may require the written acceptance of such terms and conditions by the petitioner. Unless otherwise determined by the Township Board, all costs for any requested changes or extensions to water mains shall be borne by the petitioner.

No new connection to the Water Supply System shall be effected, altered, modified or disconnected unless the owner of the premises shall first apply for and obtain a written permit from the Township Board. No person shall excavate, uncover, back-fill, alter, make a connection with or an opening into, or in any other way disturb the Water Supply System without obtaining a written permit from the Township Board.

The Township Board shall establish the requirements of its permitting procedure by resolution.

## SECTION V CONNECTION

### MANDATORY CONNECTION REQUIRED

The Water Supply System shall provide the exclusive source of potable water for human consumption. Upon demand by the Township Board, owners of premises accessible to the public Water Supply System shall connect with and use the Water Supply System, except that industries and farms which have their own supply of water may continue to use the same for uses other than human consumption. Such industries and farms shall connect with and use the Water Supply System as the exclusive source of potable water for human consumption. Those premises which were previously excused from connection with Township water system infrastructure, as established on the effective date of this Ordinance, shall continue to be excused from connection with existing Township water system infrastructure, until otherwise determined by the Township Board.

Each owner of any premises containing a house, building, or other structure used for human occupancy, employment, recreation, or other purpose situated within the Township that is accessible to the Water Supply System shall connect to the System in accordance with the provisions of this ordinance within sixty (60) days after the date of official notice to do so given in the manner provided by law. A premises owner is responsible for any and all costs of installation, operation and maintenance of a service pipe from the supply pipe or water main to the house, building or structure located upon the premises.

When any owner of a premises fails, refuses or neglects to connect after notice to do so has been given by the Township, either by personal service or registered mail, the Township or its agents may enter the premises and construct the connection. Upon completion of the work necessary to effectuate the connection with the Water Supply System, the Township shall send an itemized invoice of the cost of construction to the owner of the premises, which shall be payable immediately. If the owner fails to pay the invoice, then the Township shall file a municipal lien upon the premises for the cost of construction, together with interest and penalties, within six (6) months of the date of completion of the connection and shall have all other enforcement rights available to it by law.

In the event that a premises no longer contains a house, building, or other structure used for human occupancy, employment, recreation or other purpose, the owner of the premises may petition the Township Board to excuse the premises from assessment of the water availability/debt retirement charge.

### INSTALLATION OF CONNECTION

Only the Township Board has the right to install any required service connection or main extension, or to subcontract the same to a private licensed contractor.

### SIZE AND INSTALLATION

All water service connections from the water main to the curb stop valve shall be in conformity with all local, state, and federal laws and administrative regulations. The Township Board shall determine the size of all service pipes.

All water mains, connections, supply and service pipes, before being covered, shall be inspected and approved by the Township or its designated representative.

### TURN-ON

No person other than a Township employee or designee shall turn on or off any water service to any public or private premises at the connection of the premises to the water main. Requests for turn-on or turn-off service must be made to the Township Office in writing or by email at least 48 hours in advance of the time the service is desired.

### WATER METERS

#### A. Meter Required.

All premises connected to the Township Water Supply System shall be equipped with a water meter, and all water entering the premises shall pass through such meter and be measured as to volume consumed. If a premises is unoccupied, a customer may make a written or email request that the Township remove the meter so as to avoid damage or loss of the meter. Upon written request, the Township shall remove a customer's meter, subject to turn-on/turn-off charges.

Not more than one (1) residence, business, industry or commercial institution shall be served by one (1) meter. Existing duplexes and multiunit residential premises shall have one meter installed per structure. Owners of duplexes and multiunit residential premises constructed after the enactment of this ordinance may request, in writing or by email, the Township to install one meter per structure or one meter per dwelling unit. The Township shall give deference to the owner's request unless good cause exists to deny the request.

Each premise so metered shall have its own separate water supply line and shut-off valve at the street.

B. Meter Ownership.

Meters will be furnished and installed by the Township and shall remain the property of, and under the control of the Township.

C. New Water Meter Fee.

If a customer should request a new water meter, or the Township is otherwise required to replace an existing water meter due to an act or omission by a customer, the Township shall charge the customer a fee which shall be established by and subject to adjustment by Township Board resolution.

D. Meter Installation.

The customer shall provide a suitable place approved by the Township for the installation of the meter and if, in the judgment of the Township, a pit meter is necessary, such pit meter will be installed by the Township at the cost of the customer.

E. Locations.

All meter locations must be approved by the Township. Meters shall be located at a point where the water service first enters the basement wall. Where there is no basement, the meter shall be located where the water service first enters the building, or in a meter pit.

F. Damages and Repairs.

Customers will be responsible for damages to a meter caused by any act or omission of any person, other than an employee of the Township. The expense of repair or replacement will be billed to and collected from the customer. No person shall break, damage, destroy, deface, tamper with, uncover or connect to any property, structure, appurtenances or equipment which is a part of the Township Water Supply System.

If a customer is determined by the Township to have altered, adjusted or otherwise tampered with a water meter, the customer shall be fined in an amount as established by and subject to adjustment by Township resolution.

If the Township determines through testing that repairs are required to fix leaking or outdated service pipes to premises, the Township will notify property owners by first class mail. Costs of repair will be borne by the property owner. Property owners will have 30 days in which to inform the Township of when the repairs shall be performed. If no such notification is given to the Township, the Township shall install a pit meter at

the customer's cost and shall provide the customer with an itemization of the cost associated with the installation of the pit meter.

G. Alterations or Changes.

No person shall change the location of a meter or pit meter, or alter the grade or move snow, earth or other material so that it will cover up, create a hazard around, or in any way obstruct the free access to any meter, pit meter, shut off valve or other appurtenance to the water system.

H. Meter Accuracy.

(1) In the event that the customer questions the accuracy of a water meter, such will be tested in the customer's presence upon request. There will be a charge assessed against the requesting party, which shall be established and subject to adjustment by resolution of the Township Board.

(2) In the event a meter shall fail to register properly, or the Township is unable to read a meter due to inclement weather conditions, snow-covered meters, or other conditions which prevent meter-reading, the Township shall charge the customer the basic monthly water rate, as established by Township resolution, and the customer shall be responsible for all charges when an actual read is made of the meter.

(3) A record of the date when each meter was furnished to a customer, its number, cost and location shall be kept in the office of the Township Water Department. There shall also be kept in the office of the Township Water Department, an accurate record of the amount each customer is credited on account of his meter, and, if a test is made, a record of the date and result thereof.

(4) In the event that a water meter has frozen, the customer will be charged a maintenance fee which shall be established and subject to adjustment by Township resolution. The customer will be additionally charged for the repair or replacement cost of the meter.

I. Fees, Charges and Penalties.

The Township Board may, in its discretion, elect to waive any fee, charge or penalty as determined on a case by case basis.



SECTION VI  
CONNECTION CHARGES

NEW SERVICE CONNECTION CHARGES

Charges to connect to the system shall be determined from time to time by the resolution of the Township board. The owner of the premises shall pay the new service connection charge following the Township's approval of the owner's application for water connection.

The charges may be revised from time to time by resolution of the Township Board to reflect changes in connection costs. The Township shall establish a schedule of charges dependent on the type of new service connection required by the consumer.

EXISTING CONNECTION CHARGE

An Existing Connection Charge is hereby established for the act of the Township in connecting or disconnecting the water supply to the premises to the Township Water Supply System if a direct connection to the system is already available to the premises.

The minimum connection/disconnection charge shall be determined periodically by resolution of the Township Board. The connection charge shall be paid in full by the consumer at the time that request for connection or disconnection is made.

CUSTOMER CHANGE FEE

A Customer Change fee is hereby established and shall be assessed against the previous account holder whenever there is a change in ownership or occupancy of premises that necessitates the creation of a new account and a final meter reading for the former account holder.

SECTION VII  
RATES FOR WATER SERVICE

The charges provided for in this ordinance are hereby levied upon each parcel of land, building or premises for which a means of connection into the Water System will be provided by the Township. The Township Board shall, at least annually, and in advance of the approval of the new fiscal year budget, determine and fix by resolution, the unit costs for the use of the water system on the basis of the number of users ("metering points"), and fix rates by resolution in an amount estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance and repair of the system as are necessary to preserve the same in good repair and working order.

The rates for water service are hereby established as follows:

## WATER AVAILABILITY/DEBT RETIREMENT CHARGE

All premises located within the Township and for which a water connection is available shall pay a monthly fee for water availability (readiness to serve charge) as determined by and subject to adjustment by Township resolution. Township residents who are or have been Township water customers and who request voluntary water shutoff for any reason shall continue to pay the charge. The water availability charge/debt retirement charge shall be levied upon each meter in service within a duplex or multiunit residential premises.

In establishing charges and fees, the Township may create or continue existing water districts, which upon the facts surrounding their existence, condition, and unpaid debt associated with their construction would form a reasonable basis for creation of a separate district leading to different charges and fees for each separate water district or allocation of same.

## WATER CONSUMPTION CHARGE

Water consumption will be charged at various rates as provided by Township resolution. These charges will be subject to adjustment from time to time by resolution of the Township Board.

The Township Board shall by resolution establish a schedule of base rates applicable to distinct categories of consumers, including, but not limited to, residential, multi-unit residential, commercial, governmental, industrial, charitable, educational, or regional users. The Township Board shall by resolution establish a schedule for each category of user authorizing an amount of water each category may receive on a monthly basis without application of water consumption rates. For miscellaneous services for which a special rate shall be established, such rates shall be established by resolution of the Township Board.

## RATE REVISIONS AUTHORIZED

The foregoing rates and charges shall be sufficient to provide for the payment of the expenses of administration and operation of the System; for the maintenance thereof as may be necessary to preserve the same in good repair and working order; and to provide for such other expenditures and funds for the System as are required by this provision. Rates shall be revised from time to time by resolution of the Township Board.

## ESTIMATED WATER USE

The water consumption charges shall be based on an actual meter reading. The Township, however, reserves the right to estimate water usage if the meter cannot be read, has malfunctioned or is otherwise determined to be unreliable or inoperable.

## FROZEN SERVICE PIPES

All frozen water piping from the shut-off valve to the premises, shall not be remedied by the Township, but shall be the responsibility of the customer. In the event of a service pipe freeze upon the premises, the customer shall have one (1) year from the date of the service pipe freeze to relocate the position of the service pipe to a location at least six (6) feet under the ground surface. Failure to relocate or replace the water line will result in a pit meter being installed at the customer's expense.

## SECTION VIII REGULATION

### BILLING AND ENFORCEMENT

At such intervals as determined by its resolution, the Township Board shall compute the amount owed to the Township for water service charges and render a statement thereof to the owner or occupant of premises using, or with access to, the Water Supply System. Such charges shall be pursuant to the most recent rate resolution establishing charges and rates in accordance with this ordinance.

The charges for water service shall be billed to the premises owner by ordinary first class mail. The billing shall include a due date for payment. All payments must be received at the Township office by 12:00 p.m. on the due date identified on the bill. Payments postmarked prior to the due date or drop box payments made prior to the due date shall not be considered timely if not received at the Township office by 12:00 p.m. on the due date identified on the bill. Any bill not paid by the due date shall be considered delinquent and a late fee will be added to the customer's bill in an amount which shall be established by and subject to adjustment by Township resolution.

If a customer pays a bill with a non-sufficient funds check, the Township will consider the bill delinquent and the customer will be required to pay by certified funds or cash for the following six months. If the customer pays a bill with a non-sufficient funds check more than once, the customer will be required to pay all future bills with cash only. Non-sufficient funds checks received by the Township will result in the imposition of a fine on the customer which shall be established and subject to adjustment by resolution of the Township Board.

If there is a change in ownership which results in a change in responsibility for water billing, the former premises owner must provide notice to the Township of the change. Upon receipt of the notice, the Township will prepare a final billing for the premises and will forward the same to the former premises owner. Upon receipt of payment from the former customer, the account will be noted to be "Inactive-Paid." If the bill remains unpaid, including any outstanding fee or charge associated with water service, the account will be noted to be "Active-Shutoff," and will continue to be subject to all

penalties and interest until the bill is satisfied. The Township reserves all rights as stated in LIEN RIGHTS OF THE TOWNSHIP, below.

#### DISCONTINUATION OF SERVICE BY TOWNSHIP

Five (5) calendar days after a bill becomes delinquent, the Township shall give notice to the customer of the delinquency, which shall specify that the bill must be paid in full or the Township may shut off the water supply to the premises. The Township shall have the right to shut off any premises if the charges for water service are more than fifteen (15) calendar days delinquent. The water service shall not be re-established until all delinquent charges, penalties, a disconnection charge and a connection charge have been paid, unless otherwise agreed in writing by the Township. These charges and penalties may be recovered by the Township by court action, including attorney fees and costs. Until such time as all outstanding charges, fees and penalties are paid in full, the customer's account shall be noted as "Active-Shutoff." Discontinuation of water service by the Township does not waive statutory lien rights reserved by the Township.

#### LIEN RIGHTS OF THE TOWNSHIP

The charges for water service shall be a lien on the premises served. The Township is authorized to assert and collect such lien, by including the delinquent amount on the property tax. Delinquent bills may be collected by any method authorized by the law including but not limited to, making such amounts due a lien on the premises served. Any rates or charges remaining unpaid shall be charged against the premises on which the service was rendered, and may be placed on the next regular Township ad valorem property tax roll after the date on which such charge shall become due and payable, and shall become lien of the same character and effect as the lien created by the State of Michigan and Township taxes, until paid in full plus fines and penalties. Any rates or charges for water services remaining unpaid are made a lien on the premises served thereby, and are hereby recognized to constitute the lien. Whenever the charge against any property shall be delinquent for six (6) months, the local unit official or officials in charge of the collection thereof shall certify annually, not later than November 1 for Winter Tax collections of each year, to the tax assessing officer of the local unit in which the premises is located, the fact of the delinquency, whereupon the charge shall be entered upon the next tax roll by such official as a charge against the premises. Such charge shall be collected and the lien thereof enforced in the same manner as general taxes against the premises are collected and the lien thereof enforced.

#### REVENUES FROM WATER SYSTEM

All revenues and monies derived from the operation of the water system shall be paid to and held by the Treasurer separate and apart from all other funds of the Township of Osceola. All other funds and monies incidental to operation of the water system shall be administered in every respect in a manner as provided by the laws of the State of

Michigan and other laws pertaining thereto. Additionally, revenues and monies derived from separate water districts as established by the Township shall be segregated in accounts established for those water districts and shall not be commingled unless legally authorized by the Township Board.

Water system revenues shall be first apportioned in a manner to provide for all expenses of administration, operation, and maintenance, as well as any sums necessary to pay current bills. The Township Board, prior to the commencement of each fiscal year shall adopt a budget covering the foregoing expenses of each year, and such total expenses shall not exceed the total amount specified in said budget, except by approval of the Township Board.

The Board shall set aside sums sufficient to build up a reserve for interest redemption, as determined from the Bond Payment Schedule, which shall be used solely for the purpose of meeting the financial requirements of any outstanding debt of the water system. The Board shall then set aside a sum sufficient to build up a reserve for debt retirement, as determined from the Bond Payment Schedule, which shall be used solely for meeting the financial requirements for outstanding debt of the water system. The Board shall further set aside adequate sums for the purpose of repair and replacement of the water distribution system.

#### LANDLORDS AND TENANTS SERVICE IN LANDLORD/PREMISES OWNER'S NAME

The Township shall not transfer water service into the name of a tenant customer. A premises owner will be liable for all water charges, fees and penalties associated with a leasehold.

#### INSPECTION AND READING

Each user of this water system impliedly consents to permit entry upon the premises by Township employees or designees for the purpose of meter reading or inspection, or any other required maintenance or testing of this system and the water conveyed thereby, provided said employee or designee has proper credentials identifying them as authorized agents of the Township. Failure of any user of this water system to permit entry of authorized Township employees or designees upon the premises will authorize the Township to immediately terminate the use of the water system by the user.

#### DAMAGED WATER LINES

All repairs to damaged water lines connecting the water main or service pipes to the water meter shall be the responsibility of the owner and/or occupant of the premises.

## FIRE HYDRANTS

### A. Fire Hydrant Use.

No fire hydrant shall be used for any purpose other than for fire protection without the prior written approval of the Township.

### B. Special Use.

Permission for special use, obtained from the Township, will be subject to the cost of water used and administrative fees as provided by Township resolution.

### C. Hydrant Tampering.

Any person who tampers with a fire hydrant in any way will be charged for water lost, as estimated by the Township, if any, and whatever other damage is sustained by the Township. In addition to any civil remedies available at law, the Township reserves the right to pursue criminal prosecution of any person suspected of tampering with a fire hydrant.

### D. Hydrant Obstruction

No person shall place nor permit to be placed an obstruction of any nature within fifteen (15) feet of a fire hydrant that will interfere with access to or hinder the operation of the fire hydrant.

## NO FREE SERVICE

No free service shall be furnished by the Township Water System to any person, firm or corporation, public or private, or to any public agency or instrumentality. When the Township becomes aware of an unauthorized water usage, it shall disconnect the water line and notify the Township Ordinance Enforcement Officer. The Enforcement Officer shall issue a fine for unauthorized water use, which shall be established by resolution of the Township Board. The water cannot be reconnected until all fines and fees are paid in full. The connection fee, meter and valve fees shall be paid as provided herein. Further, water usage will be estimated back to the time the water service was available, and billed equal to the maximum usage for each year or billing cycle.

## NO RESALE

No resale of water service shall be furnished from said system by any person, firm or corporation, public or private, or to any person, corporation, public agency, or instrumentality at a profit.

## ENJOINING VIOLATIONS

Legal proceedings to enjoin the violation of any of the provisions of this Ordinance may be brought in any Court of competent jurisdiction in the name of the Township of Osceola. Such action shall be taken only as authorized by the Township Board.

## PENALTY

Any person who shall, during any water restriction, use or withdraw water from the Township Water Supply System for any of the purposes prohibited in this Section, shall be subject to a municipal civil infraction and shall be assessed a fine pursuant to the Township's Municipal Civil Infraction Ordinance. Each day's failure of compliance with any provision of this Section shall constitute a separate infraction.

## FEES AND CHARGES

All fees, charges, and penalties associated with the Township Water System, as established by resolution of the Township Board, shall be posted at the Township Office, and available upon request.

## SECTION IX FUNDS

Funds which are received from billings and any other receipts, shall be deposited in such funds as may be required by ordinance and resolutions created by the Township Board for financing of all water systems under the authority of the Township.

## SECTION X VIOLATIONS

Any person who interferes with or damages the Township Water Supply System or any of the pipes, facilities or other appurtenances appertaining to the system; or any person who puts any foreign substance or material in any of the reservoirs, tanks or pipes or who pollutes the water therein in anyway; or any person who violates or fails to comply with any provision of this ordinance or the Township resolutions shall be guilty of a municipal civil infraction and shall be subject to punishment as provided in the Township's municipal civil infraction ordinance.

In addition to any remedies available at law, the Township may bring an action for injunction or other process to restrain, prevent, abate or redress any violation of this Ordinance, including, but not limited to, seeking criminal prosecution of persons

suspected of violation of those portions of this Ordinance which constitute violation of the criminal laws of the State of Michigan.

### DISCONTINUED SERVICE UPON VIOLATION

The Township is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the Township Water Supply System. Water service to such property shall not be restored until the violation has been eliminated in compliance with the provisions of this Ordinance and all damages, fines and penalties have been fully paid. When it becomes necessary for Township Water Department personnel to enter a premises to service a water metering device and/or instrument or to investigate a problem pertaining to water service or water leaks, Township personnel will contact the owner or resident for permission to enter and correct the problem. If the owner or resident denies entry, the Township reserves the right to discontinue water service and to bill the owner/resident for the water loss.

### SECTION XI REPEAL

All ordinances of the Township inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. In addition, the Township specifically repeals the following Ordinances:

1. Ordinance 8A, Dated September 10, 15, 21, 1973
2. Ordinance No. 9, Dated December 2, 1975.
3. Ordinance No. 12, Dated November 10, 1975.
4. Ordinance No. 14, Dated December 11, 1980.
5. Ordinance No. 17, Dated June 12, 1986.
6. Ordinance No. 20, Dated November 12, 1992.
7. Ordinance No. 21, Dated November 9, 1995.
8. Ordinance No. 22, Dated November 13, 1997.
9. Ordinance No. 24, Dated January 10, 2001.
10. Ordinance No. 25, Dated March 13, 2003.
11. Ordinance No. 27, Dated March 10, 2005.
12. Ordinance No. 27-A, Dated March 8, 2007.
13. Ordinance No. 27-B, Dated September 13, 2007.
14. Ordinance No. 27-C, Dated May 15, 2009.
15. Ordinance No. 27-D, Dated June 15, 2009.
16. Ordinance No. 27-E, Dated March 10, 2011.
17. Ordinance No. 27-F, Dated August 27, 2014.
18. Ordinance No. 28, Dated June 9, 2005.
19. Ordinance No. 37, Dated January 11, 2012.
20. Ordinance No. 38, Dated February 8, 2012.
21. Ordinance No. 38-A, Dated March 12, 2014.



22. Ordinance No. 38-B, Dated July 13, 2016.

SECTION XII  
INVALIDITY

If any section, paragraph, sentence, clause, phrase or part of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION XIII  
EFFECTIVE DATE

This Ordinance shall take effect 30 days from the date of its publication, and all ordinances or any part of any ordinance in conflict with this ordinance shall be repealed.

This Ordinance is declared to have been adopted by the Township Board of the Township of Osceola, County of Houghton, Michigan, at a regular meeting held on the 9<sup>th</sup> day of January, 2019.

**Osceola Township Ordinance Change**

**Adopted Change: January 9, 2019**  
The Board of Osceola Township adopted Municipal Water Ordinance Number 46  
For the Osceola Township Water Company and the Tamarack City Water Company.

**Section XI Repeal**

All ordinances of the Township inconsistent with this ordinance are hereby repealed to the extent of such inconsistency. In addition, the Township specifically repeals the following Ordinances:

1. Ordinance 8A	12. Ordinance #27-A
2. Ordinance #9	13. Ordinance #27-B
3. Ordinance #12	14. Ordinance #27-C
4. Ordinance #14	15. Ordinance #27-D
5. Ordinance #17	16. Ordinance #27-E
6. Ordinance #20	17. Ordinance #27-F
7. Ordinance #21	18. Ordinance #28
8. Ordinance #22	19. Ordinance #37
9. Ordinance #24	20. Ordinance #38
10. Ordinance #25	21. Ordinance #38-A
11. Ordinance #27	22. Ordinance #38-B

**Section XIII**  
**Effective Date**

This Ordinance shall take effect 30 days from the date of its publication, and all ordinances or any part of any ordinance in conflict with this ordinance shall be repealed.  
This entire ordinance may be viewed at the Osceola Township Office, 48545 Main St. Dollar Bay. Office hours are Monday, Tuesday, Wednesday, 9 am to noon.  
Judy Odgers  
Osceola Township Clerk

*Daily Mining Gazette Jan. 23, 2019*

